IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.1083 OF 2006
IN
COMPANY PETITION NO.773 OF 2005

M.V.Gandhi ..Applicant

Versus

The Official Liquidator of IDIC Pvt.Ltd., (In prov.liqn). ..Respondents.

Mrs.Molina P.Thakur for the applicant.

None for respondents.

Ms.K.V.Gautam, Dy.O.L. present.

Coram : R.S.Mohite,J

Date : 10.11.2006.

PC

1. This is an application for setting aside the order dated 29.9.2005 admitting the petition. It appears that the said petition was admitted on the basis of communication dated 2.6.2004 made by the Registrar, BIFR informing the Registrar of this Court that by order dated 11.5.2004 the BIFR has declared the company to be sick industrial unit. The order mentions that there is nothing on record to suggest that the company has challenged the order of BIFR before the AAIFR or that the order is stayed. In the circumstances, petition was accepted and admitted. It is now pointed out in this application by the applicant who was a Director and Chairman that the order of the BIFR had in fact,

being set aside by the AAIFR on 1.11.2004. The said order of the AAIFR is at Exhibit-G to the application and it appears that the appeal was against the order of the BIFR in BIFR case no.124/99. The Dy.Official Liquidator states that there is no objection to re-call of the order of this Court accepting and admitting the petition. In the circumstances, application is allowed in terms of prayer clause-(a) and the BIFR case will stand dismissed subject to payment of cost of Rs.10,000/- by the applicant being the advertisement charges within 3 weeks from today.

(R.S.Mohite,J)